

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL REVISION APPLICATION NO.139 OF 2013

M/s. New Pravin Dyeing and Printing Works

and another

.. Applicants

Versus

M/s. United Syndicate and others

.. Respondents

Shri. P. J. Giri i/by Shri. O. P. Singh, for the Applicants.

Shri. Jawahar Thakkar, for the Respondent Nos.1 to 10.

CORAM : R.M. SAVANT, J.

DATE : 8th JANUARY 2016

PC.

1. Not on board. Mentioned for filing of consent terms.
2. The Learned Counsel for the parties i.e. Shri. P. J. Giri holding for Shri. O. P. Singh for the Applicants and Shri. Jawahar Thakkar appearing for the Respondent Nos.1 to 10 tender consent terms bearing the date i.e. 05.01.2016. The said consent terms evidence the settlement arrived at between the parties. The said consent terms have been signed on behalf of the parties i.e. by Shri. Omkar Maliwal and Shri. Harigh Maliwal for the Applicants and Shri. Ketan B. Shah and Shri. Siddharth Sanghavi and Shri. Samir Parikh on behalf of the Respondents as also by

Shri. O. P. Singh Advocate for the Applicants and Shri. Jawahar Thakkar Advocate for the Respondents.

3. In so far as the Applicant firm is concerned, it is now a partnership firm comprising of the said Shri. Omkar Maliwal and Shri. Harish Maliwal who have signed the consent terms. In so far as the Respondents are concerned, originally it was a partnership firm which has now been converted to an association of persons who are numbering ten and have been shown in the cause title from 1(a) to 10. The said association of persons have executed a Power of Attorney in favour of Shri. Samir Parikh, Shri. Siddharth Sanghavi, Shri. Ketan Shah and Shri. Bhupendra Jhaveri for signing of the consent terms. Clause (3) of the said Power of Attorney dated 26.11.2015 provides for the consent terms to be signed by two donees jointly and severally. Though the consent terms have been signed by three donees, two of them i.e. Shri. Samir Parikh and Shri. Ketan Shah are personally present in Court. The consent terms are accordingly signed in accordance with the said Power of Attorney dated 26.11.2015. The Applicants i.e. Shri. Omkar Maliwal and Shri. Harish Maliwal are personally present in Court and are identified by the Learned Counsel Shri. P. J. Giri. The said Shri. Omkar Maliwal and Shri. Harish Maliwal have also produced their passports. When put in the box and queried as to whether they have read the consent terms and whether they

are acceptable to them, both of them state that they have read the consent terms and that they are acceptable to them and that they have signed them of their own free will and volition. The Respondents who are represented by their Power of Attorney Shri. Samir Parikh and Shri. Ketan Shah when put in the box also state that they have read the consent terms and the same are acceptable to them and they have signed them of their own free will and volition and that they are also acceptable to the association of the persons that they represent. The consent terms are paginated from page No.1 to 10 are taken on record and marked as "X" for identification. The photocopy of the Power of Attorney dated 26.11.2015 is also taken on record and marked as "Y" for identification. The original of the Power of Attorney is returned to Shri. Jawahar Thakkar after comparing the same with the photocopy. The above Civil Revision Application is disposed of in terms of the consent terms.

4. The Learned Counsel Shri. Jawahar Thakkar hands over two cheques for the sum of Rs.37,12,500/- each which are in the name of Shri. Omkar Maliwal and Shri. Harish Maliwal. In so far as Shri. Omkar Maliwal is concerned, the cheque bears the No.52669356 drawn on Union Bank of India, Princess Street, Branch Mumbai, and is dated 07.01.2016. In so far as Shri. Harish Maliwal is concerned, the cheque bears the No.52669357 drawn on Union Bank of India, Princess Street, Branch Mumbai, and is

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dated 07.01.2016. Shri. Jawahar Thakkar hands over the said cheques through the Learned Counsel Shri. P. J. Giri to Shri. Omkar Maliwal and Shri. Harish Maliwal in Court today. The said cheques are accepted by Shri. Omkar Maliwal and Shri. Harish Maliwal. Shri. Jawahar Thakkar further states that the said cheques would be honoured. The photocopy of the cheques is taken on record is marked as "Z" for identification.

[R.M. SAVANT, J]